

## Barring bureaucrats



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KHANDAKAR QUDRAT-I ELAHI

**O**n March 15, major dailies reported that the Election Commission (EC) was planning to publish a booklet, which will enumerate the comprehensive electoral law reforms undertaken, by July this year. These reforms will center around five points:

- Registration of political parties.
- Submission of candidate's asset and personal details.
- Formulation of stringent provisions against loan defaulters.
- Reduction of a candidate's opportunity for running simultaneously from 5 constituencies to 3.
- Barring of civil and military bureaucrats from contesting parliamentary elections within three years of retirement. The rule will also include people coming from business and other professions. These reforms will be executed by amending the Representation of Public Order, 1972.

The objective of these reforms is to put our derailed political machinery back on track. The question that naturally arises is whether these reforms are enough to perform the Herculean task. Reforms (i) to (iii) are important, but not good enough to address the major concerns and flaws in our electoral laws.

Reforms (iv) and (v), on the other hand, seem controversial. I have

already given my opinion on (iv) in an article titled multiple candidature, which The Daily Star kindly published on March 7. This piece intends to examine reform (v).

Although the reform seems popular, its justifications are not clear. Three arguments are often heard in favour of this rule. First, high civil bureaucrats divert public resources to their areas to contest general elections in the future.

Second, the number of civil and military bureaucrats in Parliament is disproportionately high. Third, this reform is intended to "make political parties financially transparent, and practise democracy within the parties" (Independent March 15).

Fourth, the reform will help genuine politicians (!) get nomination in general elections.

The merits of these arguments are dubious, because they are highly susceptible to criticism. If our so-called political organizations were truly political parties in the modern sense, none of these problems would have arisen.

In other words, resource diversion, the higher percentage of bureaucrats in Parliament etc. are the outcome of improper operation of our political parties. These are really symptoms, not causes, of the problem, hence the intended reform can hardly help to "make political parties financially transparent, and practise democracy within the parties."

Perhaps we should take the point

more seriously. In this era of globalisation the Parliament is the most important institution in a country with a parliamentary form of government. First, the political party, or coalition of parties, holding majority seats in Parliament controls the executive branch of government. Second, all government policies must be approved by Parliament.

Undoubtedly this is a gigantic task, and the performance of this task demands individuals with good knowledge and experience. Do our so-called politicians possess these qualifications?

I had the opportunity to get directly involved in politics with the Liberal Party of Canada (LPC). Perhaps this experience might shed some light on the issue. The LPC, it needs to be noted, has two parallel wings -- political and parliamentary.

The political wing is the base organization, which has a country-wide organisational set-up. The grass-root level set-up of LPC is a riding (constituency in our terminology) association to which all ordinary members belong. The riding association has a president and several directors who are directly elected in an annual meeting.

One of main objectives of the riding association is the selection of delegates for participation in the biennial conventions of the national association of the LPC. These delegates, and appointed ex-officio members, elect the president and

other office bears of the national association.

The parliamentary wing, or parliamentary party, on the other hand, is headed by a leader who is elected in the same way in LPC's special convention. This special meeting is called Leadership Convention, and the vote in this convention is called leadership vote. The leader of LPC is its head and rightful spokesperson. All party members elected to Parliament become members of the parliamentary party or caucus.

However, for our purpose, the most important point is that the riding associations nominate all party candidates for general elections. The process starts well ahead of the election date. A deadline is set for submitting nominations.

In the case of multiple candidates, elections are held to choose one. In my experience, I have never seen central leaders meddling in riding nominations. Normally local heavyweights favour their choice by announcing their endorsement.

By all considerations, this is a truly democratic process. Because an MP will represent a riding or constituency, only the riding people belonging to a particular political party have the legitimate right to nominate him/her. This is the best system because both, the principle and the practice of democracy, are in harmony.

This also suggests that the current practice in Bangladesh, in which party leaders award nominations, is totally undemocratic and autocratic.

Now, if the same procedure is followed in our country, then most of the concerns discussed above will disappear. In particular, corruption related to party nomination, which has seriously defaced our democ-

racy, would eventually cease to derail our democracy.

Finally, there is a legal point I would like to highlight. The point is: can this election rule be justified in the court of law? The question arises because it deprives, though temporarily, these bureaucrats from a very important privilege -- getting elected to Parliament. Let's elaborate.

The state is a political organization. Therefore, all citizens have the right to be politically active. However, practicing politics for the purpose of seeking public office is not a right; it's a privilege. The state has all the right to set conditions on who can contest in general elections.

These criteria, which have been specified in Section 66, Chapter I, Part V, can be expanded further. But the imposition of the new criterion that the EC is planning to introduce may turn out to be abusive of constitutional authority in the court of law, because it discriminates against citizens because of their profession.

In fine, this paper submits that if the EC formulates a rule that will require all political parties to nominate their candidates for general elections through their grassroots level associations, the problems we are currently facing relating to nomination will be adequately be addressed.

The author, who taught at Bangladesh Agricultural University and BRAC University, currently lives in Ontario, Canada.

## Remembering MA Ispahani

GMF ABDUR ROB

**T**HIS month marked the 21st death anniversary of Mirza Ahmed Ispahani, a business magnate and politician of the then Indo-Pak sub-continent. His forefathers came to India from the Iranian province of Ispahan, and settled first in Bombay, and then in Kolkata where fortune smiled on him.

MA Ispahani built industries and business houses in Kolkata, in competition with Tata and Birla. But fortune did not last long. After partition of India he was forced to leave Kolkata and, unlike Dawood and Adamjee, he settled in Chittagong. He then gradually built an industrial empire of jute, textiles, tea, dockyard and plywood etc.

He was the founder-chairman of the Pakistan Industrial Development Corporation, which contributed to the development of industries in the then Pakistan. The first East Pakistan-West Pakistan air link was established through his Orient Airways.

I had the opportunity to be in close contact with him for many years in Chittagong. His business acumen was so sharp that whatever he forecast used to come true. I remember an incident in 1981, when the oil price-hike was going up to \$ 36 from \$ 16 a barrel, when he said to me: "These king and shaikhs will have to bow down within a year, when the oil price will tumble down," which actually happened within a year. He was a businessman whose farsightedness was incredible. His farsightedness, his determi-

nation, and conviction in his own belief are unparalleled.

Immediately after liberation of Bangladesh, when Bangabandhu returned to Bangladesh, Mr Ispahani went to see him. Bangabandhu enquired how he was. Mr Ispahani replied: "How could I be well when you have taken all my properties." Immediately, Bangabandhu called his principal secretary and asked him to arrange the release of Mr Ispahani's property. The principal secretary was taken back and replied, "Sir, to release Mr Ispahani's property the law has to be changed in parliament, as all enemy property was nationalised along with one of Mr Ispahani's."

To the amazement of Mr Ispahani, Bangabandhu said: "Then change the law in parliament to release his property." It was an index of the close relationship between them. However, of all his property, Bangabandhu released the tea gardens in Sylhet and tea factory in Chittagong to rejuvenate tea export, which was at a standstill then.

In the tea auction house the price was very low, because tea export was nil. One day, Mr Ispahani went to the tea auction house, and his presence made the bidders raise the auction price of tea by a few taka. He was the first person to start export of tea from Bangladesh.

When president Ziaur Rahman came to power, he invited Mr MA Ispahani to become chairman of Bangladesh Biman, to make Biman profitable. But Mr Ispahani politely refused his invitation on



health grounds. Mr Ziaur Rahman used to telephone him to get his advice on industrial matters.

Mr MA Ispahani was not only an industrialist of the first order, but was also a philanthropist of high stature. His philanthropic activities ranged from Teknaf to Tetulia. He used to donate money to many schools, madrasas and mosques, which had been unknown to many of us.

His charitable institutions, Ispahani Eye Hospital at Dhaka, Ispahani Public School and Colleges in Comilla and Chittagong, and Ispahani Girl's School at Dhaka are testimony of his philanthropic activities in this country. In this month of his death anniversary, I pray to Almighty Allah to rest his soul in peace.

The writer is ex-General Manager of MM Ispahani Ltd.

## Securing the nation: Pros and cons of NSC



**Let us therefore examine the proposition with the greatest of care, and chose our model, and future course, wisely. Let us not take any hasty decision that will derail rather than strengthen our democratic transition. George Santayana, the great Spanish-American philosopher of the last century had asserted a little over a hundred years ago: "Those who cannot remember the past are condemned to repeat it."**

A. TARIQ KARIM

have lately been hearing a lot of chatter from Bangladesh about the imminent formation of a National Security Council (NSC). Details of the shape, size and mandate of the proposed NSC are fuzzy, but the general expectation generated is that it is all a question of when this institution will be formed, not if it will be established.

Various reports generated to date indicate different configurations of its composition, but all reports had one constant -- the three chiefs of staff of our valiant armed forces would be integral parts of such a body. One must take comfort from the fact that the establishment of this new institution has not been done with lightning speed, arousing the hope that those currently in the driving seat of the state are engaged in examining the idea in some depth before actually operationalising it.

The renewed preoccupation with the idea of the NSC is perhaps our inevitable response to the perceived shortcomings of the fledgling institution of caretaker government and how we can ensure a system of checks and balances in order to prevent future subversions of our core institutions. Not that it is a new idea -- but the past incarnations of the concept were greeted with widespread suspicion and reservations, considering the circumstances and the originators of the concept at that time.

Perhaps it is time for the nation to revisit the concept, and consider it judiciously and dispassionately while refraining from knee-jerk reactions to it. I have written earlier of the need for the nation to establish some sort of a supra-body that will act as ombudsmen of the various institutions that underpin the stability of the state, and as keepers of the nation's conscience, in order to secure the future. While the creation of a NSC was not exactly what I had in mind, it certainly merits serious consideration. However, before we set about establishing post-haste another new institution, we need to be clear in our minds why we want such a new institution and what we want from it.

From its nomenclature, it is obvious that security of the nation is at the heart of the idea. This begs the question: security from what? If we are talking about security in its conventional (and now quite outmoded sense), security of the nation's geographic frontiers is far too narrow a definition, and for that we have two excellent and highly

professional institutions already -- the armed forces and the BDR. Obviously, we are looking to some institution that will safeguard the overall security of the nation's economic, political, social, and strategic weave with its complex web and warp of the various sectoral activities that define any country's totality of national and societal endeavours.

Our present institutions are essentially derived from the institutional concepts that were imported and transplanted, (not without some "genetic" engineering) by the British colonial power who conquered and ruled over their colonised Indian soil. The actual manner in which the erstwhile colonised inheritors (and their progeny of today, we) work these imported institutions is actually quite different to the original British prototype, no doubt because the local soil conditions, in their inherent composition and pH factors, are quite different from the "home" soil from which these institutions were transplanted.

For example, our parliamentary system of government works in a very presidential manner; our leaders tend to evoke the imperial (and imperious memories) of the style of rule (as distinguished from governance) of our pre-colonial history; our keepers of law and order tend to arouse a compound of apprehension, fear and terror within the hearts of those they are supposed to protect, rather than the sense of secure comfort that the average British citizen derives from the sight of the friendly neighbourhood Bobby walking the walk and talking the talk in his local precinct; and so on and so forth.

What I wish to draw to attention from this preamble is simply this: before we leap into a new venture and replicate for ourselves an institution that exists elsewhere (whether near or far), we should perhaps take a good look at how they are composed, what their goals are and how they operate. For our purposes, it would be relevant to take a quick survey of what exists (or not) by way of a NSC in the UK (from where we derive our institutional inspirations and models), the US (from where we derive our propensity for mimicking the presidential style in executive leadership), and our own sub-continentals siblings of India and Pakistan with whom we share a common historical parentage.

**UK**  
As far as I have been able to glean, the UK does not have any govern-

mental body specifically designated as such, but I am open to correction. However, times have changed drastically following Britain's own version of the American 9/11. A British think-tank, Demos, has very recently published a report which argues "The Case for a National Security Strategy" that ought to replace what it pithily describes as "Britain's archaic security architecture and systems" and that it perceives as lacking any overall strategic framework.

**US**  
For us, as perhaps for elsewhere in the world, given today's uni-polar global power configuration, the terminology instantly evokes the model of the United States' National Security Council. This post-World War II institution was set up by the National Security Act of Congress of July 26, 1947, the intention of which was "provide a comprehensive program for the future security of the United States; to provide for the establishment of integrated policies and procedures for the departments, agencies, and functions of the Government relating to the national security."

The US NSC is chaired by the president, and its regular attendees are the vice president; the secretary of state; the secretaries of the departments of the Treasury and Defence, respectively; and the national security adviser (designated in the Act as the Assistant to the President for National Security Affairs). The chairman of the Joint Chiefs of Staff is the statutory military advisor to the NSC. Invited to the meetings are also: the chief of staff to the president, the legal counsel to the president, and the assistant to the president for economic policy. Other senior officials are invited to attend meetings when appropriate or when the situation so demands. Notably, while the umbrella act defines a host of terms pertaining to the act, nowhere does it offer a definition of the term "security." Leaving this term at the heart of the act essentially unparsed was undoubtedly to allow it to encompass within its embrace the widest connotation possible benefitting state interest and projection.

**Pakistan**  
Historically closest related to us is the National Security Council of Pakistan, a consultative body that is chaired by the president. It was established by the National Security Act, 2004 adopted by the Pakistan parliament to "serve as a forum for consultation on matters of national security including the sovereignty, integrity, defence, the armed forces, internal security, science and technology and economics."

In its enactment, it repealed the earlier National Security Council Order, 2001 (Chief Executive's Order No. 5 of 2001), in terms of which the president was a mere figurehead with actual executive power vested in the office of the prime minister. In defiance of plebeian superstition, this body has thirteen members: the prime minister, the chairman of the Senate, the speaker of the National Assembly, the leader of the opposition in the National Assembly, the chief ministers of the provinces, the chairman of the Joint Chiefs of Staff Committee (CJCS) and the chiefs of staff of the Pakistan Army, Navy and Air Force. Most significantly, in the Pakistani context, in which the president holds concurrently the office of the nation's chief executive as well as being the chief of the army, the 2004 version of the NSC under a civilian chief exec-

utes virtually unlimited powers in the person of the president, and effectively enmeshes the military into the politics of the country.

Each country has, therefore, designed its own version of the National Security Council to suit its perceived or projected needs, catering to the particular sets of domestic and external compulsions it needed to address. The sense of manifest destiny that shaped the US mindset, and the psychology of the victor needing to preserve its newly established status as global hegemon all counted not a little in defining the parameters of the new American institution.

Over the last fifty years, the institution has adapted to the stimuli received in order to maintain this status of global pre-eminence. In the Indian case, during the first forty post-independence years, the leadership of the Indian National Congress had made the conscious choice of working with its imported institutions, nurturing them to enable them to take roots. They therefore also followed the British system in eschewing the need for such an institution. Moreover, watching Pakistan doing the opposite with the same imported institutions and allowing the military to emerge increasingly as the predominant institution of the state, also dictated the wariness of Indian leaders in adopting anything that might tempt its own military establishment to mimicking the Pakistani model.

It was only during the height of the Afghan war against the Soviet occupation of Afghanistan, and when the Islamisation process under General Ziaul Huq's watch in Pakistan presented itself as more of a threat to India than ever before, that a rightist government in India felt the compulsion of adopting an institution after the American model and deviating from the inherited British legacy. Despite this, the Indian NSC, like its armed forces, remains very much under the command and control of the democratically elected civilian government, and there appears to be no imminent danger of the tail wagging the dog.

In the Pakistani case, the attempts by the elected civilian government of Nawaz Sharif had come perilously close to taking to heart the illusion that it had put the army in its place firmly under civilian leadership. That illusion was shattered with the Kargil debacle and the coup thereafter that toppled Pakistan's last abortive attempt at returning to civilian rule. The post-9/11 phase of Pakistan's relations with the United States and the redefined alliance with the latter that had its own domestic and regional spin-off, also dictated the new military leadership's compulsion in redefining the previously moribund and somewhat toothless version of the army, the 2004 version of the NSC under a civilian chief exec-

utive, to further strengthen and consolidate the military's iron grip over governance of the state. In any case, Pakistan has never shied away from proclaiming, or displaying, the pre-eminence of the military establishment over all other state institutions.

In the case of the UK, the complacency of relying heavily upon traditions and traditional institutions to safeguard the security of the Crown and its subjects was rudely bruised by the spectre of terrorism rearing its dreaded head within British soil in recent times. The inexorably changing demographic picture (increasing Muslim population with increasing evidence of radicalized youth) and the dynamics triggered by the post-9/11, post-Iraq-invasion global realignment of forces seemingly polarising emotions along "civilisational" or cultural lines, has forced Britain to revisit and reevaluate its security needs and institutions. What will reemerge finally remains to be seen.

In our own case, the biggest danger to our security are more internalised rather than overtly external-driven (our psychological sense of encirclement by India as a constant notwithstanding). While the threat from radical/militant Islamist groups like the JMB is no doubt inspired by external (Wahabi/Deobandi) indoctrination that is alien to our own Sufi-Hanafi legacy and vision of Islam, the havoc wreaked upon our state institutions is entirely, and essentially, a home-grown phenomenon.

Against this backdrop, given our national yearning for democracy and in our democratic transition

which still remains delicately fragile, what sort of security institution do we want, and what signals do we wish to convey to our own people and to the world? Do we follow the Indianised version of the American model with Bangladeshi characteristics, or replicate the Pakistani model?

A move in either direction would have implications for determining what road we choose to embark upon, and how we choose to define our polity. Given our long history of antipathy towards military or quasi-military rule, I suspect that the longer the present interim dispensation prolongs the current interregnum, the more pronounced will be the rumblings of discontent that will eventually surface and resonate with the masses.

Therefore, suggestions of the stacking of the proposed NSC with the three service chiefs is likely to give the wrong impression, that the military is being brought closer to becoming integrated with the domestic political dynamics. That could result in unintended consequences as well as endanger our armed forces' hard regained reputation as solid professionals upon whom the world has come to rely so much for international peacekeeping duties. Instead, we would do better by creating a post of a Chief of the Joint Chiefs of Staff who could then represent the entire institution of the military in the new national security institution and at the same time keep the armed forces one step removed from the direct exercise of power in the domestic political arena.